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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,765	03/10/2004	Petteri Poyhonen	042933/271450	3955

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EXAMINER
GONZALEZ, AMANCIO

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/797,765	POYHONEN, PETTERI
	Examiner	Art Unit	
	AMANCIO GONZALEZ	2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>20 March 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

       NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626

 Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed after Final Rejection have been considered but found not persuasive.

The cited prior art references disclose the main subject matter claimed in the present application, e.g., establishing a communication session with a terminal (see Stanforth: pars. 0012, 0013, fig. 4), including a network node located in a network across which an originating client is capable of communicating(see Stanforth: fig. 4 element 16, par. 0013), wherein the network node is capable of sending a trigger to the terminal independent of the network (see Stanforth: par. 0014, wherein Stanforth discusses providing interconnection with a switched cellular network, the PSTN, the Internet, and other networks, in which there is complete transparency between the extraneous network and an ad-hoc), performing registration for the terminal to thereby identify the terminal across the network such that a communication session is capable of being established with the terminal based upon the identity of the terminal across the network (see pars. 0033-0035, 0042).

Regarding the applicant's argument that Stanforth does disclose a gateway within an ad hoc network receiving a registration message from an ad hoc terminal to register the ad hoc terminal with the ad hoc network, or more particularly the gateway of the ad hoc network, the examiner asserts that Stanforth clearly discloses registration process for an ad-hoc radio terminal (see pars. 0033, 0034, figs. 16 and 17)

Regarding the applicant's argument that Stanforth (or Dingman) does not teach or suggest an apparatus including a processor configured to receive, from a terminal via a network, a registration message including a network-independent identity of the terminal, the examiner asserts that Stanforth discloses in FIGS. 19A and 19B flow charts showing the call-initiation process for an ad-hoc radio terminal of the radio system for making an outgoing call to a destination serviced by an external network to which a gateway controller is linked. In order for ad-hoc devices to communicate among themselves, a registration process must, by necessity, take place. Such registration process, i.e., between an ad-hoc device and the gateway, is independent of the network to which the gatway is linked (see par. 0036).

Regarding the applicant's argument that Stanforth (or Dingman) does not teach or suggest the processor being configured to send a network-independent trigger to the terminal based on the network-independent identity to thereby acquire a network-dependent identity of the terminal to thereby enable establishment of a communication session based upon the network-dependent identity of the terminal, the examiner asserts that Stanforth discloses wherein a communication terminal, e.g., a cell phone, is interfaced to the PSTN and cellular network (see the title, the abstract, pars. 0013, 0049). So, if a communication is directed to terminal 34 of fig. 10C, said call is received from an external network, e.g., PSTN or cellular system, by gateway 38, which is identified with terminal 34, consequently all call setup functions required to establish communication, e.g., paging, triggering, registration, authentication, etc., being carried out between terminalo 34 and gateway 38.

Regarding the applicant's argument that there is no apparent reason for one skilled in the art still to modify Stanforth with the teachings of Dingman to disclose the claimed invention, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of Stanforth with the teachings of Dingman as applied to the rejection is reasonable particular because Dingman relates generally to enabling communication between a system within a protected network and an external system (see Dingman: par. 0001), which is related to the main object of Stanforth,s invention (see Stanforth: par. 0036).

Therefore, rejection stands as stated in Office Action mailed on 12/23/2008..